

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
JANUARY 15, 2008
7:00 P.M.**

1. The meeting was called to order at 7:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Chief Carter and the Invocation was given by Traffic Commissioner Dan Gilbert.

The Mayor asked everyone to keep Mike Gossman in their prayers since he had a heart attack and to keep Walter Johnson in their prayer since he had lost a family member. She also asked everyone to turn off their cell phones and that if there was an emergency they could be reached by calling the police department.

ROLL CALL

PRESENT

Mayor Marietta Tardibono
Vice-Mayor Stewart Shapiro
Councilman Jeff Martinez
Councilman Dean Johnson
Councilwoman Jan Blake
Councilwoman Nancy Olson

ABSENT

Councilman Stan Street
Councilman Walter Johnson
Councilman Mike Gossman

STAFF PRESENT

Pam Ramirez, City Clerk
Robert Jernigan, City Attorney
Roger Patty, Police Chief
Rob Carter, Fire Chief
Mike Turman, City Inspector
Scott Barrett, City Engineer
Wiley Rice Jr., City Planner

2. Call to the Public.

The Mayor announced that the broken branches were being pick up but that it was a slow process and for everyone to keep bringing them out to the curb. She told that the city's 60th Anniversary was coming up in February and there would be an open house at city hall the week of February 11-15 and invited everyone to come

by look at the scrap books, memorabilia, pick up some souvenirs and have some punch and cookies. She also asked for volunteers to come to city hall on Monday, January 21st to help place Anniversary stickers on the utility bills. The Mayor said that Rep. Sally Kern would be holding a precinct meeting on January 29th and everyone was welcome to attend. The Mayor read letters from Bill Ladd thanking the fire department, Mr. & Mrs. Wagoner thanking the Mayor and Council, and Mr. George Bender thanking the city and the Warr Acres Nursing home.

Rodney Nelson said that he did some research on the Windtree property and that it is platted and the county assessor shows land value of \$8895 per lot so that would work out to be about \$676,000 for the property the city has. He said that the property would have to have the value brought down by 48% to be below the \$350,000 that is allowed to be sold without the vote of the people. He handed out printouts from the county assessor's web site and asked that each member get a copy of it.

Bob Wehba told the council that OKC is destroying the city's streets allowing water leaks to continue and never fixing them. He said that OKC is Warr Acres worst enemy with the destruction of the streets.

3. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #4.

A. Approval of the minutes from the Regular meeting of December 18, 2007 and Special meeting of January 3, 2008. *****

B.	Approval of Expenditures *****	General Fund \$ 79,598.45
		CIP Fund \$ 14,611.38

C. Approval of Actual Expenditures for December 2007 and Proposed Expenditures for January 2008. *****

D. Sales Tax History Report. *****

E. Approve payment of claims for Lester, Loving and Davies in the amount of \$1,814.00 and Margaret McMorrow-Love in the amount of \$563.50, the claims are in reference to the Personnel Board Hearing. *****

Councilman Martinez asked for item E to be pulled and the Mayor asked for item D to be pulled for discussion.

Motion by Blake, second by D. Johnson to approve items A, B and C. Poll vote: D. Johnson, yea; Blake, yea; Martinez, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

4. Discussion and possible action on items removed from the consent docket.

Item D.

The Mayor stated that she had been watching the sales tax and this was the 7th consecutive month that the sales tax had been over \$300,000. Councilman Martinez stated that the audit noted that in FY 06-07 the taxable sales had dropped by 9% so the city needed to work on bringing in business.

Motion by Olson, second by Blake to approve item D. Poll vote: D. Johnson, yea; Blake, yea; Martinez, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

Item E.

Councilman Martinez said that he was the one that pulled these claims from last months list and asked for Mr. Jernigan to check with OMAG about paying the claims. He asked Mr. Jernigan what he found out. Mr. Jernigan stated that he was told that the claims were not associated with criminal action and therefore did not qualify for coverage. He also told the council that the portion of the insurance plan that had paid for other attorney fees in the past was stricken from the plan as of November 1st. Councilman Martinez stated that every time that there had been a claim in the past that OMAG recommended denial the council was told that they should deny the claim. Attorney Jernigan stated that those are different they are tort claims for damages which is what the insurance coverage is really for. In this situation there is no coverage. Councilman Martinez stated that when Mr. Pike had requested reimbursement for attorney fees and OMAG denied the claim the recommendation of the city attorney was also to deny the claim so why is this different. Attorney Jernigan stated that in that case it was not ordered by the court to pay the attorney fees and therefore that is why he recommended denial. He stated again that this situation was not related to criminal action and that type coverage is no longer in the policy. He explained that the claims were for the representation of the City Clerk and himself in the Personnel Board hearing case and for work that was done in the initial review of the information in reference to the Personnel Board hearing. Councilman Martinez stated that he had a bad feeling about it and did not think that they should pay the claims. Clerk Ramirez asked Councilman Martinez if he thought she should pay the bill. Councilman Martinez stated that was not the issue, the issue is that he wanted to be consistent and if OMAG is denying the claim then the city should also. Attorney Jernigan stated that this is entirely different situation than the one with Mr. Pike.

Motion by Martinez, second by D. Johnson to deny payment of the claims. Poll vote: D. Johnson, nay; Blake, nay; Martinez, yea; Shapiro, nay; Olson, nay; and Tardibono, nay.

Motion Failed.

Motion by Olson, second by Blake to approve the payment of the claims. Poll vote: D. Johnson, yea; Blake, yea; Martinez, nay; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

5. Receive reports from Staff: Police, Fire, City Clerk, City Attorney, City Inspector, Street, Sanitation, Sewer, City Engineer, and City Planner. *****

Chief Carter said that FEMA would be out on Friday to kick things off.

Clerk Ramirez stated that they needed to set a date for a Budget Review. They decided to have the meeting on Monday, January 28th at 7:00 p.m.

Attorney Jernigan told the council that both Unions have filed notice to negotiate for the up coming year.

Inspector Turman welcomed Hideaway Pizza and stated that they would open this next week. He also stated that everyone needed to get their limbs out to the curb and have them picked up so that he would not have to site properties later.

Sanitation Supervisor Hayes told the council that the Grapple truck is working great.

Sewer Supervisor Seale informed the council that during the ice storm there was a problem at the 43rd lift station but they made it through but they need to get a compressor repaired. He told them that he had gotten a quote for the repair of the roofs on the lift stations and was asking for a couple more quotes. He said that they needed more help and better equipment to do their jobs.

Engineer Barrett said that they were working on getting the final numbers on MacArthur together. He had spoken to OG&E and they are aware the light at 51st is not working and are supposed to be going out to fix it but because of the ice storm they are now behind on other work. The lights along MacArthur that are on 24 hours a day are not being paid for by the city and once the project is totally complete they will be set to cycle on and off. He told Councilwoman Blake that he was sorry that he did not have the item she wanted ready and that he knew he owed her an item on the agenda for the 34th and Hammond fee proposal.

6. Discussion and possible action on an application for Private Hauler Service by Jack Renfro with Incredible Pizza. *****

Jack Renfro told the council that he had submitted an application for private hauler service because of the cost factor and the style of dumpster. He said the

city says they are trying to grow business but \$10,000 plus a year is a lot for even a big company. Sanitation Supervisor Hayes stated that he had picked up the trash at Incredible Pizza on Monday and their dumpsters were not even half full. He stated that Mr. Renfro was requesting Saturday pick ups and they did not need them. The Mayor stated that the committee had recommended denial. Councilman Shapiro stated that the city needs to maintain the services that they have and not piece meal it and if they start letting outside services come in they are doing just that.

Motion by Shapiro, second by Blake to deny the private hauler application. Poll vote: D. Johnson, yea; Blake, yea; Martinez, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

7. Discussion and possible action on acceptance of Sanitation Truck bids and authorization to lease/purchase said truck and appropriation of funds from CIP.

Clerk Ramirez stated that the council would need to decide which truck to go with and then how they wanted to finance it and for how long and then they would need to appropriate the money. The appropriation would be for the payments that would be made for this fiscal year only and that the contract did have the appropriation clause so that each year if the council does not appropriate the funds to pay for the truck they could cancel. Sanitation Supervisor Hayes told the council that he would really like to have a 2008 International with the heil packer however it will take around 150 days to receive and he is in need of a truck now. He said that J&R bid a truck that is a 2007 and is in Tulsa so it could be delivered in 10-15 days. He told the council that he had spoken to others about the new 2008 and they told him that they require different oil and also they have the same emissions that the new Mack has that the city has already had some problems with. Attorney Jernigan asked if the bid process was followed and all bids had the proper paperwork filed. Clerk Ramirez stated that they did. Attorney Jernigan stated that when using the bid process they are to go with the lowest and or best bid. He proceeded to say that if there is just cause, such as the time factor they can opt to go with a different bid. However the bid from J&R is the lowest but is for a 2007 not a 2008. He said that they can go with this bid.

Motion by Martinez, second by Shapiro to authorize the lease/purchase of a 2007 Sanitation truck considering the time factor and appropriate \$10,000 for the lease/payments for this fiscal year. Poll vote: D. Johnson, yea; Blake, yea; Martinez, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

8. Discussion and possible action on a contract with Midfirst Bank for ATM machines.

The Mayor stated that they have been working on this for some time now and that Mid-first will service the ATM's that will be placed at city hall and at the police department. Attorney Jernigan stated that he had read over the contract and had no objections. There will be no charge for the machines on the cost of the phone lines. Attorney Jernigan stated that he recommended approval contingent up on his final approval.

Motion by Blake, second by Martinez to approve the contract contingent upon final approval of the attorney. Poll vote: D. Johnson, yea; Blake, yea; Martinez, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

9. Authorize the City Attorney and City Engineer to proceed with a membership application to the Oklahoma Buy Board including the expenditure of a one time membership application fee of \$200.00 and adoption of the Interstate Interlocal Participation Agreement and the Board Resolution. *Barrett*

Councilman Martinez asked Mr. Jernigan what he thought about this. Attorney Jernigan stated that he had spoken with Durant who has adopted this and found that they had to make some changes in order to get approval from the Attorney General's office. He said that he has a call in to the AG's office about this but has not heard back. He said that he spoke to Ponca City because he had heard that they were considering it and they decided against it. He said that before the city moves forward he would really like to be able and speak with the AG's office. After he talks to the AG he will put an item back on the agenda.

10. Discussion and possible action to approve engineering report, plans and specifications for submittal to the Oklahoma Department of Environmental Quality for upgrades and repairs to the collection system to eliminate unpermitted sewer discharges on Covington Lane. (DEQ Consent Order Task C) *Barrett*

Mr. Barrett stated that he was working with DEQ and needed more time and that Mr. Jernigan was working on it also.

This item will be put back on the agenda when they are ready.

11. Final Public Hearing and action on the preliminary plat for Cherokee Crossing (R-1/C-1 PUD Planned Unit Development). Owner/applicant: Jim Case/Coon Engineering. *Jernigan*

Attorney Jernigan stated the developer has submitted a plat that is not consistent with the PUD so they will be starting over with new Public Hearings and notice to the public on a new design plan.

This item was stricken from the agenda.

12. Final Public Hearing and action on a Use Subject to Review for an income tax office located at 4810 N MacArthur Blvd. Applicant: David Beaner. ****

The Planning Commission recommended approval of the Use Subject to Review.

Motion by Shapiro, second by Martinez to close the public hearing. Poll vote: D. Johnson, yea; Blake, yea; Martinez, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

Motion by Shapiro, second by Martinez to approve the recommendation of the Planning Commission on the Use Subject to Review. Poll vote: D. Johnson, yea; Blake, yea; Martinez, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

13. Final Public Hearing and action on a Use Subject to Review for a car rental office to be located at 5573 NW Expressway. Applicant: Michael Raven.

The applicant withdrew his application.

This item was stricken from the agenda.

14. Discussion and possible action on appropriation of funds from the CIP Fund in the amount of \$12,950.00 for options 1 and 3 of the Engineering fees for the Grove Signal Light project.

Clerk Ramirez stated that this item is to appropriate the funds for the project that they approved at the last meeting.

Motion by Martinez, second by Shapiro to appropriate the \$12,950 from the CIP fund. Poll vote: D. Johnson, yea; Blake, yea; Martinez, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

Item 15 was heard after item 16.

15. Discussion and possible action on purchasing a Bucket Truck, Sanitation Truck and a new Jetter. *Shapiro*

Councilman Shapiro stated that now two of these items have already been taken care of and asked Mr. Seale about the city's Jetter. Sewer Supervisor Seale stated that the jetter was in pretty good condition and it is 9-10 years old and the last one had lasted about 12 years. He said that he had put it in the CIP budget for next year and he thought that it could wait until then. He said a new one would run about \$40,000-\$45,000.

Item 16 was heard before item 15.

16. Discussion and possible action on repairs to the Bucket Truck. *Robertson* ****

Street Supervisor Robertson explained that the current truck needs repaired and the cost estimate is \$8,200 and then after those repairs are completed there are other issues that will need to be addressed. Councilman Shapiro stated that it is a dangerous situation and they need to consider the safety of the crew. Councilwoman Blake asked how much a lease/purchase would be and also how often the truck is used. Mr. Robertson stated that the truck is used to trim limbs, hang decorations and to fix lights. The truck is not insulated and poses a danger to anyone using it. The council asked how long it would take to get a new or used truck and they were told that they would have to follow the bid process and it would take a few months. The council asked if they could declare an emergency to allow for quicker purchase. Attorney Jernigan stated that the council is the one that declares if there is an emergency it is a judgment call by the council. He said that due to the safety issue the city could declare an emergency.

There will be items placed on the special budget review meeting to declare an emergency and to possible lease/purchase a new truck.

Item 17 was heard after item 15.

17. Discussion and possible action to hire a full time code enforcer. *Martinez*

Councilman Martinez stated that the only way they are going to get the city cleaned up is to hire a Code Enforcement officer. It is too much for Inspector Turman to do along with all his other duties.

This item will be on the Special Budget meeting.

18. Discussion and possible action on designing and replacing new welcome to Warr Acres signs. *Martinez*

Councilman Martinez stated that he had received a few calls from people suggesting that the signs have things on them that represent what Warr Acres is

all about. He said that they should have something about Putnam City Original. The Mayor stated that there had already been some suggestions about that same thing. Councilman Martinez stated that the suggestions should be voted on by the entire council.

19. Discussion and possible action on a tort claim filed by Michael Middleton that OMAG has recommended for denial. ****

Clerk Ramirez stated that she had passed around the pictures given to the city.

Motion by Blake, second by Olson to deny the claim. Poll vote: D. Johnson, yea; Blake, yea; Martinez, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

20. Discussion and possible action on acceptance of the FY 06-07 Annual Audit. ****

Councilman Martinez stated that the audit showed that last year the taxable sales dropped by 9% which shows that the tax base is shrinking. He said that the city needed to work on code enforcement to clean up the city so new business will come in. Councilman D. Johnson stated that he was concerned about the comments that were made in the auditors report about the city's financial statements being prepared as allowed by OML but not the generally accepted way in the US. Clerk Ramirez stated that Mr. Crawford is the one that set up the way the reporting is done and it is to show all debt as if it were to be paid out now. It is a more stringent way of reporting.

Motion by Olson, second by Blake to accept the audit. Poll vote: D. Johnson, yea; Blake, yea; Martinez, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

21. A. Discussion and possible action adopting anonymous campaign literature ordinance. *Martinez* ****

Attorney Jernigan stated that this is consistent with the state law and provides for a \$500 fine. Councilman Martinez said that it is the exact verbiage from State and the city has needed this for a long time. The Mayor said that most of the time there might not be a name or number on the flyer but there is an organization listed. Chief Patty stated that from an enforcement standpoint it will be difficult to enforce because usually kids are hired to pass them out and if you are not going to prosecute them and if you ask them who gave them the flyers they will tell you someone but if that person says they did not what are you going to do? Councilman Shapiro said that he supports this but he would like to have it apply to the disappearance of political signs also. Attorney Jernigan stated that signs

would be in a different area of the code. Councilman D. Johnson said what if you have a business and you come out against a candidate he is concerned about retaliation if they are forced to put names and numbers on them. Councilman Shapiro said that the last election was the lowest ever campaign. Councilman D. Johnson said he would be ok with it if it just asked for the number but not the name.

Motion by Martinez, second by Shapiro to approve the Ordinance. Poll vote: D. Johnson, nay; Blake, nay; Martinez, yea; Shapiro, yea; Olson, yea; and Tardibono, nay.

Motion Failed.

B. Approval of the emergency clause.

Moot.

22. Discussion and possible action on appointing a new Personnel Board Member to replace Jim Priest who moved out of the city. Term to expire July 2009. ****

The Mayor stated that the city attorney had informed her that he had researched this and found that the Personnel Board members did not have to live in the city. The Mayor pulled the item.

23. Discussion and possible action on a tort claim filed by HRH Enterprises, Inc. that OMAG has recommended for denial. ****

Motion by Martinez, second by Olson to deny the claim. Poll vote: D. Johnson, yea; Blake, yea; Martinez, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

24. Questions and comments from Council members.

Councilman Martinez asked everyone to pray for Councilman Gossman as he recuperates from his heart attack.

Councilman Shapiro said that the city crews had done a great job through very trying times and the city was very lucky to have such dedicated people.

Councilwoman Olson told everyone that filing for council seats would be February 6, 7, and 8th and if they do not like the job the current council is doing then they should file and run for office.

Mayor Tardibono reiterated Councilwoman Olson's statement and added that the city could always use new people interested in the city government. She said that

there had been a fire in her old neighborhood and the police and fire responded quickly and saved the house next to the fire by watering it down. She said that the fire department was there all night and still there when she arrived at 9:00 a.m. the next morning. She said the city has the best fire and police in the metro.

Councilwoman Blake would like to have on the Budget meeting an item to bring Police rookie pay up to at least the Sheriff Deputy salary.

25. Discussion and possible action concerning the litigation matter on Windtree, including discussion and possible action on entering into executive session as allowed under 25 O.S. Supp. 307 (B) (4), confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceedings in the public interest. *W. Johnson*

Attorney Jernigan stated that since Councilman W. Johnson was not present and he had asked for this item he did not feel that they needed to enter into executive session. He handed out a report that he had prepared and told the council that he had hired Mr. Jim Hoyt to do an appraisal of the property.

26. Any Old or New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

Councilman D. Johnson asked to waive the reading of the item and there were not protest.

Moot.

27. Adjournment.
Motion by Olson, second by D. Johnson to adjourn. Poll vote: D. Johnson, yea; Blake, yea; Martinez, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The meeting was adjourned at 9:03 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk

MINUTES

**CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
TUESDAY
JANUARY 15, 2008
7:00 p.m.**

(Following completion of regularly scheduled City Council meeting)

1. The meeting was called to order at 9:03 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Chair Marietta Tardibono
Vice-Chair Stewart Shapiro
Trustee Jeff Martinez
Trustee Dean Johnson
Trustee Jan Blake
Trustee Nancy Olson

ABSENT

Trustee Stan Street
Trustee Walter Johnson
Trustee Mike Gossman

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of December 18, 2007. ****

Motion by Martinez, second by Shapiro to approve the minutes. Poll vote: D. Johnson, yea; Blake, yea; Martinez, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

3. Approve payment of claim in the amount of \$63,076.52 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of December, 2007. ****

Motion by Martinez, second by Shapiro to approve the payment of the claim. Poll vote: D. Johnson, yea; Blake, yea; Martinez, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

4. Adjournment.
Motion by Martinez, second by D. Johnson to adjourn. Poll vote: D. Johnson, yea; Blake, yea; Martinez, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The meeting was adjourned at 9:04 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk

MINUTES

CITY OF WARR ACRES
ECONOMIC DEVELOPMENT AUTHORITY
5930 N. W. 49TH STREET
TUESDAY
JANUARY 15, 2008
7:00 P.M.

(Following the completion of the regularly scheduled City Council and Public Works Authority meetings)

1. The meeting was called to order at 9:04 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Chair Marietta Tardibono
Vice-Chair Stewart Shapiro
Trustee Jeff Martinez
Trustee Dean Johnson
Trustee Jan Blake
Trustee Nancy Olson

ABSENT

Trustee Stan Street
Trustee Walter Johnson
Trustee Mike Gossman

2. Approve the Minutes of the Economic Development Meeting of December 18, 2007. *****

Motion by Martinez, second by Blake to approve the minutes. Poll vote: D. Johnson, yea; Blake, yea; Martinez, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

3. Adjournment.

Motion by Martinez, second by Shapiro to adjourn. Poll vote: D. Johnson, yea; Blake, yea; Martinez, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk